

**Town of Milford
Zoning Board of Adjustment Minutes
October 3, 2013
Case #2013-16
Adam Brew
Special Exception**

Present: Fletcher Seagroves, Chairman
Laura Horning, Vice Chair
Zach Tripp
Kevin Taylor
Michael Thornton, Alternate

Absent: Bob Pichette
Len Harten, Alternate
Paul Butler, Alternate

Secretary: Peg Ouellette

The applicant, Adam Brew, owner of Map a51 Lot 26-106, Foxmoor Circle, in the Residence "R" district, is requesting a special exception from Article V, Section 5.04.2:A.7 to construct a garage twenty (20) ft +/- from the front setback line, where thirty (30) ft. is required.

Minutes approved on November 21, 2013

Fletcher Seagroves, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board; he then introduced the Board. He read the notice of hearing into the record. The list of abutters was read. Adam Brew, owner of Map 51, Lot 26-106, Foxmoor Circle was present.

A. Brew stated that he would like to put a two-car attached garage onto his home with a small room behind. He had thought he had enough room until putting in the application. From the front of his house to the curb is approximately 50 ft. He had to move up a bit to keep out of the wetland. He had Meridian Land Services resurvey the whole property and make sure they kept the buffer zone. From the front of the garage to the curb is about 42 ft. He didn't know the Town owned about 22 ft from the curb to the garage. He is asking for a Special Exception to put the garage closer than the setback requirement as there is no other place to put it.

K. Taylor asked, if he went back, would it go into the wetland.

A. Brew said it would.

K. Taylor said it is a hard situation where the property is.

A. Brew said it is a tight lot, similar to others in the area. They are small lots. Out of five on his street, three already have garages. Where they park now is where they would be parking in the garage. It is where the driveway is. Originally the garage would have been back further and would have gone into the wetlands, but they had Meridian measure because it didn't measure out correctly. The wetland is further over than the original plot plan looked, so he moved the garage over and then it gets into the front setback.

F. Seagroves said, according to the map it will be 20.7 ft and it requires 30.

A. Brew said that was correct.

F. Seagroves said it is allowed by special exception in the Residence R District

F. Seagroves opened the hearing to the public. There were no comments, so the public portion of the meeting was closed.

A. Brew read the application into the record:

A Special Exception as specified in Article 5, Section 5.04.2:A.7 of the Zoning Ordinance, is requested to permit: 2 car attached garage with mudroom in the back corner and unfinished storage above 20 feet +/- from front boundary line.

Description of proposed use:

1. The proposed use shall be similar to those permitted in the district:

The proposed use is for residential and personal use only. No commercial use. Many other homes in the development have very similar garages.

2. The specific site is an appropriate location for the proposed use because:

This is the only location for the garage. It has no negative impact on abutters or the development. It does not have impact to the wetland on the property.

3. The use as developed will not adversely affect the adjacent area because:

It has no impact on any setback except the setback from the road. However, there is still significant distance from the edge of the road to the proposed structure. Approx. 42 feet.

4. There will be no nuisance or serious hazard to vehicles or pedestrians:

There are no changes to the roadway or near the roadway. The garage will be where we currently park our cars. Essentially there is no change, no hazard or nuisance. The actual edge of the road to the front of the garage will still be over 40 feet. However the lot line runs through the area at about 20'. Please see drawing.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

Building will be to code and there will be inspections.

A. Brew referred to the plan and explained that the orange line is the actual road. The proposed line runs about halfway into his front lawn and the driveway currently runs through the proposed line. From the front of the garage to the curb will still be 42 ft.

F. Seagroves asked if there were any additional questions. There were none.

The Board proceeded to discuss the Special Exception requirements.

A. The proposed use shall be similar to those permitted in the district:

B. The specific site is an appropriate location for the proposed use:

C. The use developed will not adversely affect the adjacent area:

D. There will be no nuisance or serious hazard to vehicles or pedestrians:

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use:

Z. Tripp said the use is similar. It is allowed by Special Exception. It is an appropriate location; it is where the existing driveway is. The applicant moved it out of wetlands. He didn't believe it would affect adjacent area. Most houses already have 2-car garages. There is no nuisance or serious hazard to vehicles or pedestrians. It is set back from the road. It will not interfere with sight lines. Appropriate facilities will be to code. The applicants have had plenty of interaction with the office.

L. Horning agreed, the peculiarity of this lot lends itself to meeting all five criteria. Conditions are present under which Special Exception can be granted.

K. Taylor agreed saying where the lot is, the special exception is allowed.

M. Thornton couldn't imagine any benefit to denying. He could imagine benefit by allowing it both to the town and the owner.

F. Seagroves said the proposed use is similar. As stated, most of the houses have garages. It is an appropriate location, as stated, it is about the only place to locate it. It will not affect the adjacent area. He remembered there were a lot of trees beside it, so people from the side will only see trees. He didn't see any nuisance or serious hazard to vehicles or pedestrians. There is a turnaround there.

The applicant will go through the Building Inspector to make sure everything is properly set up.

F. Seagroves then read: *After reviewing the petition and after hearing all the evidence and taking into consideration personal knowledge of the property in question, this Board of Adjustment member has determined the following findings:*

Is the exception allowed by the Ordinance?

L. Horning – yes; Z. Tripp – yes; K. Taylor – yes; M. Thornton – yes; F. Seagroves – yes

Are the specific conditions present under which the exception may be granted?

Z. Tripp – yes; K. Taylor – yes; M. Thornton – yes; L. Horning – yes; F. Seagroves – yes

L. Horning moved to grant the special exception.

Z. Tripp seconded.

Final Vote:

L. Horning – yes; K. Taylor – yes; Z. Tripp – yes; M. Thornton – yes; F. Seagroves – yes

F. Seagroves stated the applicant had been approved and reminded him of the 30-day appeal period.